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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Charles Lee Asplin
Serial No.: 09/687,445 /
Filed: 10/13/2000
Invention: Slab Leveling System and Method
Examiner: Raymond W. Addie
Art Unit: 3671
Docket No.: ASPL-007

Addressed to:

Commissioner for Patents
Attn: Art Unit 3643
P.O. Box 1450
Alexandra, Virginia 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION
(MPEP 711.03(c) AND 37 CFR § 1.181(a))**

This is a Petition to Withdraw Holding of Abandonment under 37 CFR §1.181(a).
Applicant requests a withdrawal of the holding of abandonment based on the following:

1. **Office Action Not Received.** The Applicant has not received the September 27, 2006 Office Action from the USPTO.
2. **Search Performed.** A search of the file jacket and docket records was performed by the attorney of record which indicated that this office action was not received. **Harr Declaration; Exhibit A.**
3. **Copy of Docket Record.** A true and correct copy of the docket record is attached hereto.

In light of the foregoing statements and attached exhibits, Applicant and Applicant's representative requests withdrawal of the holding of abandonment based upon failure to receive the Office Action mailed by the USPTO. Based upon information received in another case and from the US Postal Service, an automated system at the US Postal Service may have in error been returning some of our mail as undeliverable even though it should have been deliverable.

The US Postal Service has informed us that they believe this error in their automated system has been corrected. However, no phone calls, e-mails or other information had been received from the USPTO prior to the Abandonment to indicate that is what happened in this case.

Respectfully submitted,



Curtis V. Harr
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May 10, 2007

Date



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Declaration of Curtis V. Harr

I, Curtis V. Harr, declare as follows:

1. I am the attorney of record in the above-stated application.
2. We performed a search of the file jacket and docket records in our office relating to the above-stated application.
3. The September 27, 2006 Office Action was not received by our office.
4. After a reasonable investigation, we have determined that the September 27, 2006 Office Action was not received by our office.
5. A copy of the docket record is attached hereto as **Exhibit A**.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that I executed this Declaration on May 10, 2007 in Fargo, North Dakota.

Curtis V. Harr

SENT

<u>Date</u>	<u>Description</u>
10/13/2000	Patent Application
6/19/2002	Response/Amend
3/24/2003	Response/Amend
10/23/2003	Response/Amend
7/ 6/2004	Response/Amend
4/ 7/2005	Response/Amend
12/15/2005	Response/Amend



Postcard Received Notes

RECEIVED

<u>Date</u>	<u>Description</u>
11/17/2000	Filing Receipt
12/19/2001	Office Action
9/23/2002	Office Action
4/23/2003	Office Action
1/ 5/2004	Office Action
10/ 6/2004	Office Action
6/16/2005	Office Action
3/ 7/2006	Office Action

Response Sent Notes

X
X
X
X
X
X
X

EXHIBIT A



Attorney's Docket No. ASPL-007

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being mailed via U.S. First Class Mail on May 10, 2007 to the following address:

Commissioner for Patents
Attn: Art Unit 3671
P.O. Box 1450
Alexandria, Virginia 22313-1450

Mindy Roehl, Paralegal

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